

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES E. BILLIOT

PETITIONER

VS.

CIVIL ACTION NO. 1:86CV549TSL

**CHRISTOPHER B. EPPS, Commissioner,
Mississippi Department of Corrections and
LAWRENCE KELLY, Superintendent,
Mississippi State Penitentiary**

RESPONDENTS

AMENDED JUDGMENT

This matter came before the court on Motions to Alter or Amend the Judgment that were filed by both Petitioner and Respondents. In a Memorandum Opinion and Order entered on this date, this Court determined that the relief granted in the original Judgment should be amended to remove the requirement that Respondents comply with the terms of Miss. Code Ann. § 99-19-57, which would require that Billiot be transferred to the Mississippi State Hospital until he could be restored to competency. The Court also determined that the alternative remedy of release was inappropriate. Finally, the Court held that the constitutional prohibition against executing an incompetent prisoner will be best served in this case by entering a stay of execution until such time as Billiot's competency is restored. In all other respects, the original opinion of the Court is unchanged.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Petition for Writ of Habeas Corpus filed by James Billiot is hereby **granted** as to his claim that he is presently incompetent to be executed. In all other respects, the Petition is hereby dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that Billiot's sentence of death is indefinitely stayed until such time as Respondents move this Court to lift this stay and establish that Billiot has been restored to competency and may be executed.

SO ORDERED AND ADJUDGED this the 13th day of April, 2010.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE